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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of

Application No. 09/990,324
Filed: November 23, 2001

**DECISION ON PETITION
TO RESET PERIOD FOR REPLY**

For: **CODE SYNCHRONOUS TIMING DETERMINING METHOD UPON
INFORMATION RECEPTION IN CDMA SYSTEM, DETERMINING APPARATUS,
AND CDMA RECEIVING APPARATUS**

This is a decision on the Petition to reset the period for reply under 37 CFR § 1.181(a) filed April 27, 2005.

Petitioner contends that the Office action mailed January 24, 2005 was not received by mail and was only accessed via the PAIR system. Petitioner requests that the period for reply be reset from the date the Office action was actually "received" from the USPTO's system. MPEP 710.06 is used in support of the request. It is noted that MPEP 710.06 outlines relief that applicant may obtain if an original Office communication was received late. The relief afforded does not include receiving the communication by other means, e.g. facsimile, PAIR, e-mail, etc.

However, a review of the file finds that the U.S. Postal Service returned the original non-final Office action.

The application file will be forwarded to the Technology Center's technical support staff for re-mailing of the non-final Office action originally mailed on January 24, 2005. The shortened statutory period of three months will be set to begin as of the mailing thereof.

The petition is **GRANTED** to the extent indicated herein.

Kenneth A. Wieder
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